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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,819

Applicant(s)

MACOR, JAMES

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-7, 14, 15 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. (US 6,408,191 B1) in view of Lu (US 2002/0164975 A1) and in further view of Seshadri (US 6,249,808 B1).

Regarding **claim(s) 1**, Blanchard discloses a wireless security and access device adapted for use in accessing an electronic message received at a personal computer (column 1, lines 11-14), said device comprising:

a housing (100 on FIG. 1);

a wireless radio receiver embedded in the housing for receiving notification of the computer's receipt of said electronic message (column 4, lines 30-36) [The RF receiver 111 is embedded in the housing 100 and received a notification of messages];

a processor and memory embedded in the housing for processing and storing the notification (column 3, lines 33-50) [The CPU 113 and the data memory are embedded in the housing 100 and control all the operation of device];

an indicator for displaying the notification (column 5 lines 8-14) [The user interactive display 210 displays the notification of the message];

a radio transmitter embedded in the housing for transmitting a radio signal (column 3, lines 9-13) [The RF transmitter 111 is embedded in the housing 100 and transmits signal to the communications network]; and

Blanchard discloses a radio transmitter and displaying messages screens on the telephone terminal but fails to disclose a preset unique radio signal from the wireless device is adapted to interface with a radio receiver of a personal computer.

However, Lu, in the same field of endeavor, teaches a preset unique radio signal from the wireless security and access device is adapted to interface with a radio receiver of the computer preset to receive the unique radio signal (FIG. 1A and ¶ 0018) [The transmitter 115 transmits a triggering signal 120 wirelessly to the receiver of the personal computer 130, thereby a preset unique radio signal from the wireless device is adapted to interface with a radio receiver of a personal computer preset to receive the unique radio signal].

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard using the triggering signal to a personal computer as taught by Lu.

This modification of the invention would have the advantage of the mobile phone to transmit a triggering signal to the computer so that the user would not loose and incoming call while using a computer (Lu: paragraph 0008).

Blanchard in combination with Lu fails to disclose the computer transmits the electronic message to the device.

However, Seshadri teaches in response, the computer transmits the electronic message to the device (column 4, lines 19-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard in combination with Lu using the teaching of sending an email message to a wireless device as taught by Seshadri.

This modification of the invention would have the advantage of the computer transmitting the electronic message to the device so that the user would not loose an incoming e-mail message.

Regarding **claim(s) 2 and 15**, Lu teaches the personal computer receiver prompts the computer to perform predetermined actions upon receipt of the unique radio signal (¶ 0018).

Regarding **claim(s) 3**, Lu teaches the predetermined actions include turning the personal computer on (§ 0021).

Regarding **claim(s) 4**, Lu teaches the predetermined actions include opening predetermined programs (§ 0019).

Regarding **claim(s) 5**, Lu teaches a display coupled to the processor for activation upon receipt of the notification of an arrived message (§ 0019).

Regarding **claim(s) 6**, Lu teaches a manually operable switch for activating the transmitter to transmit the preset unique radio signal (§ 0022).

Regarding **claim(s) 7 and 17**, Blanchard discloses the device is incorporated into a wireless telephone handset (FIG. 2).

Regarding **claim(s) 14**, Blanchard in combination with Lu and Seshadri disclose all the limitations of **claim(s) 14** as stated in **claim(s) 1**'s rejection above and furthermore Blanchard discloses a wireless receiver embedded in said housing for receiving notification of a voicemail message (column 4, lines 30-36) [The RF receiver 111 is embedded in the housing 100 and received a notification of a pending voice messages].

4. **Claim(s) 8-10, 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier et al. (US 6,535,586 B1) in view of Seshadri.

Regarding **claim(s) 8**, Cloutier discloses a method for providing secure access to electronic messages residing on a personal computer (FIG. 2 and column 1, lines 6-9), comprising the steps of:

receiving notification at a remote wireless device that an incoming electronic message has been received at a computer (FIG. 2 and column 5, lines 13-22) [The wireless communication device receives an e-mail alert from the messaging server 120];

transmitting a preset unique radio signal to the computer, wherein the computer is preset to retrieve the electronic message upon receipt of the preset unique radio signal (FIG. 5 and column 7, lines 7-14) [The user transmits the signature code to the messaging server 120 and upon receiving it retrieves the message for the user].

Cloutier fails to disclose the computer is preset to transmit the electronic message to the device.

However, Seshadri teaches the computer is preset to transmit the electronic message to the device (column 4, lines 19-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cloutier using the teaching of sending an email message to a wireless device as taught by Seshadri.

This modification of the invention would have the advantage of the computer transmitting the electronic message to the device so that the user would not lose an incoming e-mail message.

Regarding **claim(s) 9**, Cloutier discloses the notification received in the receiving step is transmitted by a radio transmitter of the personal computer (column 5, lines 13-22).

Regarding **claim(s) 10**, Cloutier discloses the notification received in the receiving step is transmitted by a radio transmitter of a service provider (column 5, lines 4-11).

Regarding **claim(s) 12**, Cloutier discloses the personal computer includes a wireless receiver that prompts the computer to perform predetermined actions upon receipt of the unique radio signal (column 5, lines 13-27).

Regarding **claim(s) 13**, Cloutier discloses the step of receiving a notification that an incoming message has been received comprises visible or audible activation of the indicator on the wireless security and access device (column 5 lines 13-27).

5. **Claim(s) 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier in view of Seshadri as applied to **claim(s) 8** above, and further in view of Blanchard.

Regarding **claim(s) 11**, Cloutier in combination with Seshadri as applied to **claim(s) 8** above differ from **claim(s) 11** in that it fails to disclose a housing with a wireless radio receiver, a processor, an indicator and a radio transmitter.

However, Blanchard teaches all the limitations of **claim(s) 11** as stated in **claim(s) 1**'s rejection above.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cloutier using the housing as taught by Blanchard.

This modification of the invention would enable the system to show the wireless security device housing so that the user would have the advantage to see the display.

6. **Claim(s) 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin (US 6,014,559) in view of Seshadri.

Regarding **18**, Amin discloses a method for providing secure access to voicemail messages residing on a telecommunication system (FIG. 1 and column 1, lines 7-10), comprising the steps of:

receiving notification at a remote wireless device that an incoming voicemail message has been received at a telecommunication system (FIG. 5 and column 7, lines

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43-48) [The subscriber receives a notification of a voicemail message on a wireless device from the messaging center]; and

transmitting a preset unique radio signal to the telecommunication system, wherein the telecommunication system is preset to retrieve the voicemail message upon receipt of the preset unique radio signal (FIG. 5 and column 7, lines 62-67) [The wireless device sends a signal to the voicemail system and retrieves the voice mail message].

Amin fails to disclose the telecommunication system is preset to transmit the voicemail message to the device.

However, Seshadri teaches the telecommunication system is preset to transmit the voicemail message to the device (column 5, lines 1-12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Amin using the teaching of sending a voicemail message to a wireless device as taught by Seshadri.

This modification of the invention would have the advantage of the telecommunication system transmitting the electronic message to the device so that the user would not lose an incoming e-mail message.

Regarding **claim(s) 19**, Amin discloses the telecommunications system includes a wireless receiver prompts the system to perform predetermined actions upon receipt of the unique radio signal (FIG. 5 and column 7, lines 43-48).

Regarding **claim(s) 20**, Amin discloses the step of receiving a notification that an incoming voicemail message has been received comprises visible or audible activation of the indicator on the wireless security and access device (FIG. 5 and column 7 lines 62-67).

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1-15, 17-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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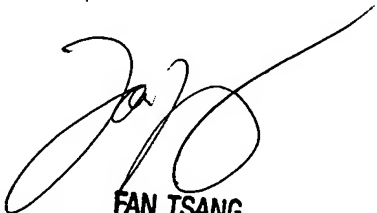
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

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December 23, 2005


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